

## YEAS—23.

Bell,	Harrison,	Pfeuffer,
Calhoun,	Houston of Wheeler,	Pope,
Camp,	Jerdone,	Randolph,
Davis,	Johnson,	Shannon,
Evans,	Jones,	Stinson,
Fowler,	Kilgore,	Terrell,
Garrison,	Knittle,	Traylor,
Glasscock,	Perry,	

## NAYS—5.

Farrar,	Houston of Bexar,	Woods.
Getzendaner,	Kleberg,	

## ABSENT, NOT VOTING.

Hall.

Senator Pope moved a reconsideration of the vote just taken.

Senator Davis moved to lay the motion on the table.

Adopted, and

The motion laid on the table by the following vote:

## YEAS—25.

Bell,	Houston of Bexar,	Pfeuffer,
Camp,	Houston of Wheeler,	Pope,
Davis,	Jerdone,	Randolph,
Evans,	Johnson,	Shannon,
Farrar,	Jones,	Stinson,
Garrison,	Kilgore,	Terrell,
Getzendaner,	Knittle,	Traylor,
Glasscock,	Perry,	Woods.
Harrison,		

## NAYS—3.

Calhoun,	Fowler,	Kleberg.
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## ABSENT, NOT VOTING.

Hall.

By leave,

Senator Houston of Bexar, introduced a memorial of Madame Candelaria Villanueva.

Referred to Committee on Private Land Claims.

Senator Jones, by leave, introduced "An act to amend section 4, chapter 114 of 'an act to provide for the more efficient management of the State penitentiaries,' etc."

Referred to Committee on Penitentiaries.

On motion of Senator Houston of Wheeler,

One hundred copies of the report accompanying the Governor's message were ordered printed.

Senator Farrar offered the following resolution:

## CONCURRENT RESOLUTION.

Resolved by the Senate, the House concurring. That the President of the Senate appoint a committee of three Senators, and the Speaker of the House of Representatives appoint a like number of Representatives, to visit the asylum at Terrell and report as early as practicable the condition of said asylum, its capacity for the accommodation of the insane, and whether it has been constructed in accordance with the plans and specifications for said building, and what further improvements, if any, are necessary to render said asylum ready for the reception and treatment of lunatics.

Adopted.

House concurrent resolution providing for the appointment of a joint committee composed of three Senators and five Representatives to visit and report upon the condition, operation and management of the State penitentiaries, was laid before the Senate, read and adopted.

On motion of Senator Jones,

Senate bill No. 69, entitled "An act establishing a reformatory farm for the confinement, reform and

utilization of convicts under the age of eighteen years," was taken up and made special order for Saturday morning after morning call.

The President referred House bill No. 3 to Finance Committee.

On motion of Senator Davis,

The Senate adjourned till 10 o'clock to-morrow morning.

## SIXTEENTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, January 30, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Perry,

The reading of the journal of yesterday was dispensed with.

## PETITIONS AND MEMORIALS.

By Senator Stinson:

Memorial of citizens of Hunt county, relative to the insurance law.

Referred to Committee on Insurance, Statistics and History.

By Senator Woods:

Petition of citizens of Gonzales county, requesting a change in time of holding district courts in said county.

Referred to Committee on Judicial Districts.

## REPORTS OF STANDING COMMITTEES.

By Senator Kleberg, for Committee on Stock and Stockraising:

COMMITTEE ROOM,  
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Stock and Stockraising, to whom was referred House bill No. 15, entitled "An act to amend sections 4 and 16 of an act entitled 'an act for the protection of the wool growing interests of the State of Texas,' approved April 4, 1883," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

KLEBERG, Chairman.

## BILLS AND RESOLUTIONS.

By Senator Harrison:

"An act to amend article 575, chapter 3, title 20 of the Revised Statutes of the State of Texas."

"An act to amend article 595, chapter 4, title 20 of the Revised Statutes of the State of Texas."

"An act to amend article 610, chapter 5, title 20 of the Revised Statutes of the State of Texas."

The three bills referred to Judiciary Committee No. 1.

By Senator Kilgore:

"An act to amend article 4489, title 90 of the Revised Statutes of Texas."

Referred to Judiciary Committee No. 1.

Senate bill No. 83, entitled "An act to repeal sec-

tions 1, 2, 3, 4, 5 and 6, and to amend sections 7, 8, 9, 10 and 11 of an act entitled 'an act to further provide for the regulation of railroad and transportation lines in the State of Texas, and to provide for the creation of the office of, and appointment of, a State engineer and his secretary, and their salaries and duties; to prevent unjust discrimination and extortion in the rates charged for transportation of freight and passengers in this State, and to provide a mode of procedure in relation thereto,' approved April 10, 1883," was taken up as a special order and read second time.

On motion of Senator Terrell,

The bill was read by sections.

(President pro tem. in the chair.)

The following messages were received from the House of Representatives:

HOUSE OF REPRESENTATIVES,  
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage by the House of

House joint resolution No. 3, "providing for the appointment of a committee to remove the remains of Col. F. W. Johnson from Aguas Calientes, Mexico, and place the same in the State Cemetery in the city of Austin, Texas, and to make the appropriation therefor."

A. D. SADLER, Chief Clerk.

Referred to Committee on State Affairs.

AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage by the House of

Senate concurrent resolution No. 5, "requesting our Senators and Representatives in Congress to urge the passage of the Eads bill."

Senate concurrent resolution No. 2, "providing for the appointment of a joint committee to visit the branch Lunatic asylum at Terrell, report its condition, etc."

A. D. SADLER, Chief Clerk.

AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to report to your honorable body the passage by the House of Senate bill No. 71, "An act to transfer to the general revenue account certain funds now in the State Treasury to the credit of other accounts."

A. D. SADLER, Chief Clerk.

AUSTIN, January 29, 1885.

Hon. Barnett Gibbs, President of the Senate:

I am instructed to inform your honorable body of the passage by the House of House bill No. 21, "An act to amend article 677 of the Penal Code."

A. D. SADLER, Chief Clerk.

The President referred House joint resolution No. 5, "A joint resolution requesting our Senators and Representatives in Congress to urge the passage of the Eads bill," to Committee on Commerce.

House joint resolution No. 2, "Joint resolution requesting our Senators and Representatives in Congress to aid in establishing a national trail for the outlet of Texas cattle," referred to Committee on Stock and Stockraising.

Senator Kleberg moved that the Senate go into committee of the whole on the pending bill to regulate railroads.

Adopted, and

The Senate went into committee of the whole.

IN THE SENATE.

Senator Kleberg, chairman of committee of the

whole, reported that he was instructed by the committee of the whole to report the bill back to the Senate, with the accompanying amendments, and moved the adoption of the report.

Report adopted.

The bill was ordered engrossed.

Senator Shannon raised the point of order that the adoption of the report of the committee of the whole did not adopt the committee amendments, and moved that the vote by which the bill was engrossed be reconsidered.

The point of order was sustained, and

The vote by which the bill was ordered engrossed was reconsidered.

Senator Kleberg moved that the amendments be voted upon separately.

Adopted.

The first committee amendment, to-wit:

Insert following substitute for section 4:

Section 9. The passenger fare upon all railroads in this State shall be three cents per mile, with an allowance of baggage to each passenger not to exceed one hundred pounds in weight; provided, however, that where the fare is paid to the conductor the rate shall be four cents per mile, except from stations where no tickets are sold, and that the minimum charge in no case shall be less than twenty-five cents; and provided further, that when the passenger fare does not end in five or naught, the nearest sum so ending shall be the fare; provided further, that in no case shall children under ten years of age be charged a higher rate of fare than two cents per mile; provided further, that railroads shall be required to keep their ticket offices open half an hour prior to the departure of trains, and upon failure to do so they shall not charge more than three cents per mile.

Was adopted.

The second committee amendment, to-wit:

Amend section 5 by adding, "provided further, that no contract or bill of lading requiring shippers of live stock to give notice of damage done to such stock before the same are unloaded from the cars or mixed with other stock, or providing that such notice can only be given within fifteen days from the time when such stock is unloaded, shall be invalid and null and void."

Was adopted by the following vote:

YEAS—14.

Bell,	Houston of Bexar,	Stinson,
Calhoun,	Johnson,	Terrell.
Camp,	Perry,	Traylor,
Farrar,	Randolph,	Woods.
Harrison,	Shannon,	

NAYS—13.

Davis,	Glasscock,	Kilgore,
Evans,	Hall,	Kleberg,
Fowler,	Houston of Wheeler,	Knittel,
Garrison,	Jones,	Pope.
Getzendaner,		

ABSENT, NOT VOTING.

Jerdone,	Peacock,	Pfeuffer.
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The bill was ordered engrossed.

Senator Shannon moved to suspend the constitutional rule, and place the bill on its third reading.

Lost, by the following vote:

YEAS—20.

Bell,	Hall,	Randolph,
Calhoun,	Harrison,	Shannon,
Camp,	Houston of Bexar,	Stinson,
Evans,	Johnson,	Terrell,
Farrar,	Jones,	Traylor,
Fowler,	Kilgore,	Woods.
Garrison,	Perry,	

## NAYS—8.

Davis, Houston of Wheeler, Knittel,  
Getzendaner, Kleberg, Pope,  
Glasscock.

## ABSENT, NOT VOTING—3.

Jerdone, Peacock, Pfeuffer.

By leave, the following bills and resolutions were introduced:

By Senator Houston of Bexar:

"An act to provide for the appointment of official stenographers for the district courts of the State of Texas."

Referred to Judiciary Committee No. 1.

By Senator Stinson:

"An act to amend article 378, chapter 6, title 11 of the Penal Code of the the State of Texas, and to add article 378a to chapter 6, title 11 of the Penal Code of the State of Texas."

Referred to Judiciary Committee No. 2.

By Senator Jones:

"An act to amend articles 4182 and 4190 of the Revised Statutes of the State of Texas."

Referred to Committee on Internal Improvements.

Senator Getzendaner offered the following resolution:

Resolved by the Senate, That Judiciary Committee No. 1 be instructed to inquire what legislation, if any, is necessary to put in operation that part of section 9, article 8 of the Constitution, wherein it provides a limit of twenty-five cents on the hundred dollars valuation for the erection of public buildings, street, sewer and other permanent improvements, and that said committee report by bill or otherwise.

Adopted.

Senator Shannon moved to take up Senate bill No. 19, "An act to amend and carry into effect article 4170 of the Revised Statutes of Texas," out of its regular order.

Adopted.

The bill was read third time and passed.

On motion of Senator Glasscock,

Senate bill No. 136, "An act for the relief of W. J. Salyer, and to validate donation warrant No. 509," was taken up out of its regular order and made special order for Tuesday morning after morning call.

On motion of Senator Getzendaner,

Senate bill No. 63, "An act to provide for the investment of the permanent public free school fund of the counties," was taken up out of its regular order and made special order after the first special order Tuesday after morning call.

The President laid before the Senate, Senate bill No. 8, "An act to amend chapter 2, article 566 of the Revised Civil Statutes."

On motion of Senator Bell,

Action on the bill was postponed until to-morrow morning.

Senate bill No. 35, "An act to amend article 3602, chapter 15, of the general laws of Texas, passed by the called session of the Seventeenth Legislature, approved May 4, 1882, relating to hiring of county convicts," was taken up in regular order and read third time.

Senator Stinson offered to amend by adding after the word "him," in third line of second page, "or give security therefor."

Lost by the following vote:

## YEAS—16.

Bell, Houston of Bexar, Perry,  
Calhoun, Houston of Wheeler, Pfeuffer,  
Farrar, Johnson, Stinson,  
Fowler, Jones, Traylor,  
Glasscock, Kilgore, Woods,  
Harrison,

## NAYS—10.

Camp, Getzendaner, Randolph,  
Davis, Hall, Shannon,  
Evans, Kleberg, Terrell,  
Garrison,

## ABSENT, NOT VOTING.

Jerdone, Peacock, Pope,  
Knittel,

The bill was read third time and passed.

Senate bill No. 79, "An act requiring the Comptroller of Public Accounts, Commissioner of the General Land Office and State Treasurer to employ female clerks, when their services can be had, to fill one-half the clerkships in the several departments under the control of these officers," was taken up in regular order, read third time and passed by the following vote:

## YEAS—15.

Bell, Harrison, Perry,  
Calhoun, Houston of Bexar, Shannon,  
Evans, Houston of Wheeler, Stinson,  
Farrar, Johnson, Traylor,  
Fowler, Kleberg, Woods,

## NAYS—11.

Camp, Glasscock, Pfeuffer,  
Davis, Hall, Randolph,  
Garrison, Jones, Terrell,  
Getzendaner, Kilgore,

## ABSENT NOT VOTING.

Jerdone, Peacock, Pope,  
Knittel,

Senator Bell submitted the following privileged reports:

COMMITTEE ROOM,  
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 67, being "An act to amend article 852 of the Code of Criminal Procedure," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,  
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed bills have carefully examined and compared Senate bill No. 57, being "An act to amend article 714 of the Code of Criminal Procedure," and find the same correctly engrossed.

BELL, Chairman.

COMMITTEE ROOM,  
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 112, being "An act to provide for the issuance and sale of the bonds of the State to supply deficiencies in the revenue, and to provide the mode and manner of the sale of said bonds," and find the same correctly engrossed.

BELL, Chairman.

The President appointed the following committees:

Committee to visit asylum at Terrell, Senators Terrell, Evans and Camp.

Committee to visit penitentiaries, Senators Jones, Kilgore and Kleberg.

On motion of Senator Shannon, the Senate adjourned till 10 o'clock to-morrow morning.

## SEVENTEENTH DAY.

SENATE CHAMBER,  
AUSTIN, TEXAS, January 31, 1885. }

The Senate met pursuant to adjournment.

Lieutenant-Governor Gibbs in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Pfeuffer,

The reading of the journal of yesterday was dispensed with.

On motion of Senator Bell,

Senator Harrison was excused for to-day.

On motion of Senator Pope,

Senator Peacock was excused from Thursday morning till Monday.

On motion of Senator Jones,

Senator Jerdone was excused from Thursday morning till Monday.

On motion of Senator Jones,

Senator Houston of Wheeler was excused for the day.

## PETITIONS AND MEMORIALS.

By Senator Perry:

A petition of 130 citizens of Brazos county, protesting against legislation closing the public roads running through lands belonging to the Agricultural and Mechanical College in said county.

Referred to Committee on Roads, Bridges and Ferries.

## REPORTS OF STANDING COMMITTEES.

By Senator Fowler:

COMMITTEE ROOM,  
AUSTIN, January 31, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Judicial Districts, to whom was referred House joint resolution No. 22, entitled "A joint resolution granting leave of absence to the Honorable W. E. Collard, judge of the twelfth judicial district of the State of Texas," have carefully examined the same, and instruct me to report the same back with the recommendation that it do not pass. In the opinion of the committee district judges in this State are not prohibited from leaving the State on business or pleasure visits, provided they do not thereby neglect the duties of their office, and that therefore the legislation proposed by this joint resolution is wholly unnecessary.

All of which is respectfully submitted.

FOWLER, Chairman.

By Senator Getzendaner:

COMMITTEE ROOM,  
AUSTIN, January 29, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Claims and Accounts, to whom was referred Senate bill No. 46, entitled "An act for the relief of W. S. Boothe," have had the same under consideration, and I am instructed by the committee to report the same back to the Senate with the accompanying substitute, with the recommendation that the substitute do pass.

It appears from accompanying affidavit, dated fifth day of January, 1885, that the notice of application for special relief, as required by the Constitution, was published in December, 1880. It also appears that Jacobs, as administrator of the estate of James Swindells, sold a tract of land which was purchased by the said Boothe and others; that the money from the sale of said estate was paid into the Treasury and placed to the credit of "settlement of estates account," on twenty-second of December, 1876; that afterwards Swindells appeared on the scene and brought suit for and recovered the land.

All of which is respectfully submitted.

GETZENDANER, Chairman.

By Senator Bell:

COMMITTEE ROOM,  
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on General Land Office, to whom was referred Senate bill No. 131, entitled "An act to give effect to section 2, article 14 of the Constitution," have carefully examined the same, and instruct me to report back the accompanying substitute therefor, with the recommendation that it do pass.

All of which is respectfully submitted.

BELL, Chairman.

## SUBSTITUTE SENATE BILL NO. 131.

A bill to be entitled "An act to amend article 3916 of the Revised Civil Statutes."

COMMITTEE ROOM,  
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate substitute for House bill No. 4, being "An act to amend article 2402, title 42, chapter 3 of the Revised Statutes of the State of Texas," and find the same correctly engrossed.

All of which is respectfully submitted.

BELL, Chairman.

By Senator Randolph:

COMMITTEE ROOM,  
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred Senate bill No. 149, entitled "An act to amend article 2438, title 44 of the Revised Civil Statutes of the State of Texas, adopted at the regular session of the Seventeenth Legislature, so as to require all reports for the use of the Legislature to be printed by the first day of December before the assembling of the Legislature," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

COMMITTEE ROOM,  
AUSTIN, January 30, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on State Affairs, to whom was referred House bill No. 35, entitled "An act to amend article 4531 of the Revised Statutes," have carefully examined the same, and instruct me to report the same back with the recommendation that it do pass.

All of which is respectfully submitted.

RANDOLPH, Chairman.

By Senator Shannon:

COMMITTEE ROOM,  
AUSTIN, January 31, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Internal Improvements, to whom was referred Senate bill No. 165, entitled "An act to amend articles 4182 and 4190 of the Revised Civil Statutes of the State of Texas," have considered the same, and instruct me to report it back to the Senate and recommend its passage.

All of which is respectfully submitted.

SHANNON, Chairman.

COMMITTEE ROOM,  
AUSTIN, January 31, 1885.

Hon. Barnett Gibbs, President of the Senate:

Your Committee on Internal Improvements, to whom was